

ORDINANCE NO. 2011-05
AN ORDINANCE TO REQUIRE DESIGN VARIETY ON
SINGLE-FAMILY AND DUPLEX RESIDENTIAL STRUCTURES

The Board of Supervisors of the Town of Windsor, Dane County, Wisconsin, do ordain as follows:

1. Title 15, Chapter 7, of the Town of Windsor Ordinances is hereby created to read as follows:

“CHAPTER 7
Design Review for Single and Two-Family Dwellings

Sec. 15-7-1 PURPOSE

The purpose of this Chapter is to:

- (a) Protect property values and neighborhood character by minimizing impairment to or depreciation of existing development;
- (b) Enhance aesthetics;
- (c) Promote physical, visual and functional compatibility within a development; and
- (d) Ensure adequate architectural variety within Windsor's neighborhoods.

Sec. 15-7-2 APPLICABILITY

- (a) **Scope.** This Chapter applies to any structure to be used as a residence containing less than three (3) dwelling units located within a development - including a subdivision plat, condominium plat, or certified survey map, consisting of three (3) or more lots within the Town of Windsor.
- (b) **Design Review Exemptions.** The following structures and improvements are exempt from the design review standards herein. However, such structures may require additional permits, such as permits governing street openings or permits to ensure compliance with Building Code, Erosion Control and applicable Zoning Code standards and requirements:
 - (1) An addition to an existing single-family or two-family residential home that is consistent with applicable zoning requirements and the standards of this Chapter, and which adds no more than 20% new square footage to the existing structure.
 - (2) Repairs and maintenance of site improvements or structures that do not add to, enlarge, or expand the area occupied by the land use or floor area of the

structure. Exterior repairs that employ similar materials and design as the original construction, if originally reviewed under this Chapter, are also exempt from these design review requirements.

Sec. 15-7-3 DESIGN STANDARDS

No building permit shall be issued for the construction of any structure subject to this Chapter unless the applicant demonstrates the structure will comply with this Section as follows:

- (a) **General Architectural Diversity Requirement.** No structure shall have a footprint, front elevation, façade or side elevation or façade on a corner lot abutting a street, which is substantially similar to any structure located or proposed to be located and for which a building permit has been issued for lots completely or partially located within a 400' radius as measured from the centroid of the subject lot.
 - (1) Front elevations are deemed to be similar under the following circumstances:
 - A. *Roof Lines.* No substantial difference exists in roof lines or roof orientations;
 - B. *Windows/Entrances.* No substantial difference exists in the size, location or appearance of windows or entrances of either size, location or type; and
 - C. *Exterior Materials.* Either no difference exists in the color of materials used or no substantial difference exists in the kind of exterior materials. A change of shade does not constitute a change in color.
 - (2) Building footprints are deemed to be similar under, the following circumstances:
 - A. Building footprints differ only due to slight changes in porch or stoop size or configuration; chimney size, location, or configuration; garage size, location or configuration; or other minor changes such as inclusion of bays or projections that are not integral to the principal building mass;
 - B. Building footprints that are mirror images of one another, or are rotated such that the basic configuration is the same but not parallel, are deemed similar if they are otherwise similar under Section 15-7-3(a)(2)A. above.

- (b) **Design Review Variety Criteria.** No structure shall have a substantially similar footprint, front elevation or facade to any other structure located or proposed to be located within the radius prescribed in Subsection (a) above, and for which a building permit has been issued, unless the structure varies in at least four (4) of the following ways:

(1) Roof Design and Composition.

- A. Different roof compositions include gabled roofs (including front gable, side gable, gambrel, saltbox, and shed roofs), hipped roofs (including mansard roofs), or flat roofs. The following differences in roof design of single-family or two-family dwellings as seen from the front of the building may be deemed sufficient to render such buildings containing such design diversity to be dissimilar:
1. Changing roof composition;
 2. Providing an intersecting gable roof on the main gable roof, if the height of the intersecting roof is at least fifty percent (50%) of the height of the main roof;
 3. Providing an intersecting hip roof on the main hip roof, if the height of the intersecting hip roof is at least fifty percent (50%) of the height of the main roof;
 4. A shed-type roof when used as a front porch roof for a minimum of fifty percent (50%) of the entire width of the house, excluding area of the garage;
 5. Rotating gable roofs ninety (90) degrees on the building (changing front gable to side gable, or vice versa); or
 6. Addition of a large dormer, which includes a multi-window assembly.
- B. The following design differences are not deemed sufficient to make structures significantly dissimilar:
1. A gable roof atop a hip roof;
 2. A hip roof atop a gable roof;
 3. Inclusion of small, one window dormers, including eyebrow windows;

4. Change in soffit overhang or variation in eave height; or
5. Skylight or cupola addition.

(2) Entrance Design and/or Orientation.

- A. The following differences in the size, location, or configuration of the principal building entry may be deemed sufficient to render buildings containing such applications to be dissimilar:
 1. Addition of a front porch;
 2. Change in porch roof composition;
 3. Change in at least two (2) of the following: number, size, shape, style, material of porch columns;
 4. Significant change to entry location unless change is due to mirroring or rotating of an otherwise similar building footprint.
- B. The following changes are not deemed sufficient to render a substantial difference in entry design:
 1. Slight changes in the size or configuration of a porch, stoop or step;
 2. Changing from open to screened porch.

(3) Predominant Exterior Materials. Different materials include siding, stucco, stone or brick. When materials are changed, the change must occur on at least 50% of façade area that is visible from the street. The following differences in exterior construction materials as seen from the front of the dwellings may be deemed sufficient to render buildings to be dissimilar:

- A. Stone facing;
- B. Brick facing;
- C. Four (4) inch exposure horizontal siding regardless of material;
- D. Eight (8) inch exposure horizontal siding regardless of material; and
- E. Stucco, stucco to board and trim or synthetic stucco.

- (4) Exterior Color. Color change shall be made by significant changes in color compared to those utilized with other regulated structures. The change must be one of base color rather than merely of color shade.
- (5) Architectural Style.
 - A. The Town of Windsor does not favor any particular architectural style. Some examples of typical residential styles include, but are not limited to, Prairie, Colonial, Craftsman, Mission, Modern, Victorian, among many others. Particular attention shall be paid to the design of all front and side exteriors facing the street or open areas. Style identification shall be in accordance with McAlester, *A Field Guide to American Houses* (2002).
 - B. The following criteria must be met for buildings to be deemed stylistically different: The building must exhibit the proportions, details, massing, and materials that are typically representative of a given style. As a whole the building should be easily identifiable as being constructed in a particular style, and this style shall be different than other buildings within the radius under Section 15-7-3(a).
- (c) **Design Review General Criteria**. The following criteria shall be applicable to all single family and two family residential buildings, independent of the variety criteria established above.
 - (1) Front Yard Landscaping Features. Attention shall be paid to the maintenance of significant natural features such as terrain, drainage, vegetation. Landscaping is desired that enhances exterior appearance and streetscape presence of individual homes, lends distinctiveness, and which softens the appearance of pavement and structures.
 - (2) Garages. All garages for single-family and two-family residences shall be designed and located such that they are not the dominant architectural element on the front building facade. In all cases, garage materials shall be in keeping with the materials of the residence on all sides facing a street or projecting in front of the front residential facade. In determining compliance with this paragraph, consideration shall be given to:
 - A. Whether the garage is set back from the front façade four feet or more;
 - B. Whether the garage doors occupy less than 60% of the front façade; and

- C. The extent to which garage doors include design features or elements creating a smaller sense of scale, including the use of paneling, inset windows or other decorative elements.

(3) Exterior Lighting Design.

- A. Exterior lighting on a residence or its lots shall be established, directed, and maintained so as not to be cast directly on residences on adjacent properties.
- B. All exterior light fixtures that are over one hundred fifty (150) watts and not in the rights-of-way or easements of public roads shall be completely shielded or recessed with the fixtures mounted parallel to the ground.

(4) Side Street Elevations on Corner Lots.

- A. Side street elevations of buildings located on corner lots shall receive a similar quality of treatment to the front elevation in terms of materials, window proportions, window quantity, and architectural style.

Sec. 15-7-4 REVIEW PROCEDURES

- (a) **Reviewing Authorities.** For purposes of this Chapter, the "Reviewing Authorities" shall be the Windsor Building Inspector and the Town Engineer, or, in the Engineer's absence, the Windsor Planning and Development Coordinator.

(b) **Application.**

- (1) At the time a building permit application is submitted to the Town of Windsor, the applicant shall submit drawings, elevations and written descriptions of the proposed structure and front yard landscaping sufficient to demonstrate compliance with this Chapter, and particularly Section 15-7-3. The applicant is encouraged to contact Town staff prior to submitting the application for a preliminary review of the project.
- (2) The design review under this Chapter shall generally occur within the framework of building permit application review. All building permit applications under this Chapter shall be reviewed and approved by both members constituting the Reviewing Authorities.
- (3) In addition to the fee for the building permit, an additional fee of One Hundred Fifty Dollars (\$150.00) shall accompany the application.

- (c) **Design Review Approval Standards.** Design review approvals pursuant to this Chapter shall be granted by the Reviewing Authorities only when such Reviewing Authorities make all of the following findings:
- (1) The proposed architecture, site design, and landscape are suitable for the purposes of the proposed building and site, and will enhance the character of the neighborhood and community.
 - (2) The architecture, including the character, scale and quality of design, relationship with the site and neighborhood, building materials, exterior lighting, front yard landscaping, and similar elements establishes a clear design concept and is compatible with the character of existing or anticipated housing pursuant to the standards of this Chapter.
 - (3) The exterior design is not unsightly or disharmonious or so similar to existing or proposed homes in the regulated area that substantial depreciation of the homes of others will be caused or substantially contributed to by the applicant's proposed design.
- (d) **Approvals.** Within ten (10) days of submittal of such evidence showing compliance with the standards herein to the satisfaction of the Reviewing Authorities, and subject to all other applicable regulations, the Town of Windsor may issue the building permit. The details submitted to demonstrate compliance with this Chapter shall become requirements of the building permit, and failure to construct the structure in conformity with such details shall be considered a violation of this Chapter.
- (e) **Conditions.** The Reviewing Authorities may require modifications to plans in whole or in part and may condition the design review and building permit approval to ensure specific design features, construction materials, and conformance with all applicable provisions of this Chapter.
- (f) **Changes.** The applicant may, at any time, request changes to the original approved design which shall not be unreasonably refused provided the structure and its related design features would continue to comply with this Chapter.
- (g) **Appeals.** Any applicant aggrieved by the decision of the Reviewing Authorities with respect to the application of this Chapter may appeal to the Plan Commission. Such appeal shall be commenced by filing a written request with the Town Clerk-Treasurer, including the name, address, email address and telephone number of the applicant, the address of the parcel upon which the structure is proposed to be built, and a brief explanation of the grounds for the appeal within ten (10) days of the Reviewing Authorities' action. The Plan Commission shall hear the appeal no later than at its next regularly scheduled meeting consistent with applicable notice requirements unless the applicant consents in writing to a later time. The Plan

Commission may uphold, reverse or modify the decision of the Reviewing Authorities.

(h) **Penalties and Enforcement.**

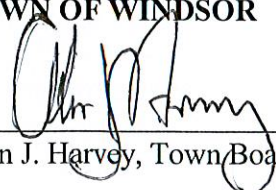
- (1) If any structure is found to be in violation of this Chapter, the Building Inspector, Town Engineer or Planning and Development Coordinator shall notify the owner in writing by certified mail of the violation and provide a reasonable time period to cure the violation not to exceed sixty (60) days.
- (2) If the violation is not cured, the owner shall be subject to a forfeiture not less than \$100 but not more than \$3,000. Each day the violation exists shall be considered a separate violation.
- (3) In addition to any penalty under this section, the Town may seek injunctive relief or pursue any other remedy authorized by law.

Sec. 15-7-5 SEVERABILITY

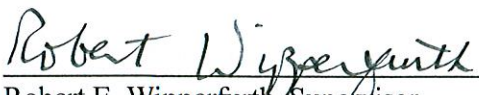
If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications."

The above and foregoing Ordinance was duly adopted at a regular meeting of the Town Board of the Town of Windsor on the 7th day of April, 2011.

TOWN OF WINDSOR



Alan J. Harvey, Town Board Chairperson



Robert E. Wipperfurth, Supervisor



Donald G. Madelung, Supervisor

Martin A. Palus
Martin A. Palus, Supervisor

(Absent)
Bruce R. Stravinski, Supervisor

ATTEST:
Amy Anderson Schweppe
Amy Anderson Schweppe
Operations Manager